

**U.S.S.N. 10/006,740
MACGREGOR
ELECTION**

Traverse

The election of species requirement as set forth is respectfully traversed. As set forth, all species disclosed and claimed are not within the purview of the election of species requirement. By requiring the election of a particular expansion source precursors, the Office has made an election without input from the applicant. Accordingly, the election should be redrawn specifying a proper list of species for election.

The application is directed to a hydrostatic delivery system comprising a hydrostatic couple and an agent to be delivered (claim 1). The hydrostatic couple includes one hydrodynamic fluid-imbibing polymer, and at least one hydrostatic pressure modulating agent (claim 2). As described in the application, prior art delivery systems do not include a hydrostatic couple.

The recited election, however, requires selection of an expansion source. As recited in claim 8, the hydrostatic pressure modulating agent can **further include** an expansion source. The expansion source is not a required component of the generic claims, such as claims 1-7. Thus, the election of species as set forth is incomplete, since it does not permit applicant to elect delivery systems in which such component is absent (see, Examples 3-6).

As described in the application, when the claimed hydrostatic delivery system comes into contact with an external fluid of the environment, such as water or other biological fluid, the water of fluid is imbibed into the core of the delivery system in part by capillary hydration due to the hydrostatic couple (a hydrodynamic fluid-imbibing polymer (group A), and a hydrostatic pressure modulating agent (group B), such as a cross-linked rapidly swelling polymer. The volume of the hydrodynamic boundary, group-A components of the system increases due to a net inflow into the polymer structure. Concurrently, the expanding hydrostatic-pressure modulating agent (group-B component) also increases in volume. Due to the differential rates and extents of volume increases of the individual polymers, a positive differential hydrostatic pressure builds up within the delivery system.

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The system can also include an expansion source to exerts pressure against the polymeric micropores of the cross-linked group-A polymer to produce a net differential pressure. The differential fluid pressure therefore is in part derived from the hydrostatic couple typically arising from the net effect of two dynamically independent processes contributed by each component of the couple.

The election of species should permit election of group A and group B components, and should not limit the claims to embodiments that further include an expansion source.

Also, the requirement for election states that if applicant desires additional components examined, such must be named. It is unclear to what "additional components" the Examiner is referring. It is respectfully submitted that, upon selection of an election of species, all claims that read upon that species must be examined. Claims that recite additional elements cannot be withdrawn from consideration. Furthermore, since the requirement is improper as set forth and not all species within the scope of the claims are within the election as set forth, it is not possible to elect particular species for search.

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In view of the above remarks, reconsideration of the election of species is respectfully requested.

Respectfully submitted,
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